OF

HON. P. HITCHCOCK,

OF GEAUGA,

ON THE

"BILL TO PREVENT GIVING AID TO FUGITIVE SLAVES."

IN THE

HOUSE OF REPRESENTATIVES, FEB. 23, 1861.

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Columbus, Ohio, House of Representatives, February 23, 1861.

HON. P. HITCHCOCK—Sir: Having listened with pleasure and profit to your remarks to-day on H. B. No. 350, we request you to publish the same for the benefit of others.

C. T. BLAKESLEE,
ALEX. McPHERSON,
ROBERT McCUNE,
C. B. CHOATE,
J. W. ROBINSON,
I. A. CARTER,
A. C. VÓRIS,
JNO. HADDOW,
D. REES,

J. K. RUKENBROD.

SPEECH

OF

HON. P. HITCHCOCK

OF GEAUGA,

ON THE "BILL TO PREVENT GIVING AID TO FUGITIVE SLAVES."

Mr. Speaker: The question involved in the proposition we are considering, is one which attracts the attention and interests the constituency I have the honor of representing on this floor to such an extent that I trust the House will excuse me for occupying its attention longer than is my wont upon subjects ordinarily before us for our consideration. Especially is there greater freedom in throwing myself upon the indulgence of the House, from the fact that it has not been done by me before upon subjects of the nature of that contained in the proposition before us, since my connection with the present General Assembly.

Constantly and persistenly has the "irrepressible" been thrown in our faces, and we have been taunted with "abolitionism," "one ideaism," desire for amalgamation," "love of the negro," and a sickly sentimentality generally—that we were, in effect, disunionists, uniting with extremists of the South,

and urging the country onward to destruction.

Soon after the opening of the session, resolutions passed the General Assembly—in the Senate unanimously, and in the House very nearly so—giving expression to the sentiment of the State upon questions which now agitate the country, and declaring that we will discharge our own and every constitutional duty; at the same time, that we call upon our sister States to return too and discharge their duty. On the instant,

the inventive genius and sensitive olfactory nerve of the minority on this floor were put to the test to smell, or stir up something which should smell "nigger." In this course, they were aided by some other gentlemen, whose over-earnest patriotism led them to a course which, under other circumstances, they would not have pursued. In every "wood pile" the bunch of "wool" was found, and again and again were the charges rung upon us, day after day was the same scene gone over with, until from sheer exhaustion, or from some other cause, there has been a brief respite. It seemed that certain gentlemen were possessed with a perfect mania for stirring up something into which the poor negro could be introduced. Through all this contest I have contented myself with a silent That vote conscientiously given; in view of right, of justice, of fidelity to the constitution, and my oath to sustain that instrument.

Again are these questions pressed upon us, and we are led to inquire, Where is all this to end? We have refused to pass laws for the more perfect protection of the free people of the State, and have passed a law, most odious in its features, to prevent the amalgamation of the white with the black race; because, forsooth, the patriotism of some gentlemen led them to feel that it would be a panacea to cure the injured feelings of our Southern brethren.

What more need we do? Have we not done enough? Must we go still farther, and repeal all laws which look to the protection of our people? Must we pass additional ones, with provisions like those in the bill now pending, and others of a kindred character? Laws which, if carried out in their spirit, would inflict severe penalties upon that person who should give a cup of water, a bit of bread, or bestow a blanket upon the poor, shivering, hunted fugitive? Does duty demand this of us? Because we declare ourselves ready to discharge constitutional obligations and aid in enforcing constitutional law, shall we volunteer legislation unasked? The bill before us proposes to punish, by severe penalty, that person who, under certain circumstances, furnishes aid to the hungry, naked and needy fugitive. You cannot by law prevent it. law can do it, and the attempt is simply an effort to exercise the law-making power, in obedience to a spirit of oppression, in stifling and preventing the manifestation of benevolence and outgushing sympathy of the human heart. Laws for this purpose will, from the necessity of the case, prove a nullity. The bill before us seems to be intended as an aid to the fugitive slave law. To Congress, as is claimed, belongs the right to legislate for the return of fugitives from service. If so,

then in Congress vests the sole right, and to attempt aiding her in the exercise of that right is simply a work of supererrogation. Meddling with that with which we have no right, and for which we receive no thanks. What is the object of thus going down and seeking for something we can volunteer to do? Is it to appease the wrath and heal the wounded pride of our southern neighbors? If they be really the heroes they are represented to be, the high-minded, honorable gentlemen, with right all on their side, (as we were told by a distinguished ex-Judge, in a speech in this city a short time since, and as has been pretty strongly intimated in this discussion,) they will despise all mean sycophancy, and spurn with contempt all degradation and self-abasement.

As, in continuing this discussion, I purpose to follow the example of those who have preceded me, not confining myself solely to the provisions of the bill before us, but rather to speak generally to all relating to the same subject pending in the House, attention is, for a few moments, called to the report of the standing committee on the Judiciary upon the bill introduced by the gentleman from Licking (Mr. Woods), to repeal the second section of the act passed April 17, 1857, "to prevent kidnapping." What are the provisions of that sec-

tion? It reads as follows:

"That no person or persons shall kidnap, or forcibly, or fraudulently carry off or decoy, out of this State, any black or mulatto-person or persons, within this State, claimed as fugitives from service or labor, or shall attempt to kidnap, or forcibly, or fraudulently carry off or decoy out of this State any such black or mulatto person or persons, without first having taken such black or mulatto person or persons before the court, judge, or commissioner of the proper circuit, district or county having jurisdiction according to the laws of the United States in cases of persons held to service or labor in any State, escaping into this State, and there, according to the laws of the United States, establishing by proof his or their property in such person."

Is there aught in this section to which any person can object? Aught more stringent or effective than Ohio—than any free—than any State should have upon her statutes for the protection of the free people of the State? Aught that patriotism, philanthropy, christianity, right, justice, and freedom, can object to? Aught that fidelity to the constitution and comity with our sister States will conflict with? It seems to me not. Then why repeal it? We are told that it is unconstitutional, and interferes with the enforcement of the laws of the United States. If so, if this or any other law be un-

constitutional, then let it be repealed. Not because there be anything in the present condition of the country which demands unusual action at our hands. Not because our southern neighbors complain of our laws, nor because we have resolved to repeal those laws which may be unconstitutional. but because it is right. Not at this time more than any other. but because at all times we should be ready to discharge duty. No other motive need, none other should control our action, So far as the legislation of our State in its internal affairs is concerned, that which is right to do now is right to do at any other time, that which is right to do at any other time is right to do now. The State is sovereign and independent only so far as that sovereignty has been merged in the general government for the best good of the whole. Being thus, with its legislation, no other power has to do, except when that legislation conflicts with the constitution, and thus with the rights of other States. But this section proposed to be repealed is declared to be unconstitutional. We are told that distinguished legal gentlemen in the other branch of this General Assembly declare it to be unconstitutional. Judiciary committee, in the report before us, take the same position, and decide it to be so. Can I doubt it? much I may, and do regard the opinions of those gentlemen. and however ready I may be, under ordinary circumstances, to govern my action by those opinions, in this case, having taken an oath to support that constitution, and having some faint idea of the meaning of language used, although my eyes may not see as clearly, my ears hear as plainly, and my understanding judge as correctly as those of others, yet by that seeing, hearing and judging, must I be governed. Hence upon this question, viewed from this stand point, must I be permitted to doubt, and doubting, to act accordingly. Wherein does the section under consideration conflict with the constitution? An examination of the various authorities quoted by the majority in its report, shows this to be the substance of decisions of the United States Supreme Court, where this principle may be supposed to be involved, more concisely stated, perhaps, in that known as the Prigg case, than any other. 1st. That the owner of a slave has the right to seize and recapture a slave where, and whenever he can do so, without force or illegal violence;" and 2d. That any State law or regulation which interupts, impedes, embarrasses, or in any way postpones the exercise of this right, is void." While other decisions of that court determine that to Congress belongs the right to legislate for the return of fugitive slaves, and also that the present Congressional enactment upon that subject is in accordance with the constitution. Now does the statute we are considering conflict with those decisions? as, without stopping at all to consider these authorities, or to bring forward counter authorities, we prefer to consider it in the light of the decision named. Certainly this statute does not conflict with the first point made in the Prigg case, not at all. That asserts the right of the owner to take his slave without compulsion. This statute only requires that if he attempts to take him by force, and remove him without taking him before the proper authority and proving his claim, then he shall suffer a penalty, severe, it is true, but can it be aught too much so? It is a penalty for the attempt to subject a free man to slavery. Is it too much that he who attempts this enslaving shall himself be bound? Does it conflict with the second point, or with the fugitive slave law? No. It does not in any way interfere with or prevent the exercise of the right on the part of the owner when he attempts to recover his slave without the exercise of But the fugitive slave law having been passed requiring certain steps to be taken by the claimant, this law is passed imposing a penalty upon that person who comes in the State and attempts forcibly to remove any of its people without first having complied with the provisions of that law. It is placed upon the statute neither in aid, nor in opposition to the law of the United States for the rendition of fugitives from service, but is a State law, passed for the protection of the people of that State. In so doing it imposes a penalty for the breach of its provisions, those provisions copied from, and made to correspond almost precisely with those of the other. Can it then be unconstitutional? But we are urged to this repeal, as we have been to the defeat and passage of other measures, because the times and condition of the country demand it. But this can be no reason, as before intimated, if there be aught in the provisions of this statute wrong, or in interference with the constitution, let it be repealed.

If right, justice and a proper regard to the interests of the people of our own State demand the passage of measures like that now under consideration, then let them be enacted, other-

wise not.

The gentleman from Pickaway (Mr. McSchooler) told us on yesterday that we must pass this and other kindred measures

to conciliate our southern neighbors. Is this so?

Is aught that we have done, or may do, to accomplish anything in solving the uncertainty which hangs over us, and stay the tide of secession and disunion threatening entire destruction? What care our southern neighbors for what we may do

in the repeal or passage of laws? True, for a little time they did make the existence of such laws a pretext for the course they were pursuing, and were determined to pursue, but how soon was that pretext abandoned! What they desire we cannot by State legislation give them; and the attempt to satisfy or reconcile them by passing, or refusing to pass, any measure through this body, is sheer folly. We have declared our sentiments upon the subjects which agitate the country, and proffered to the General Government aid, when demanded, for the enforcement of the laws. We have sent commissioners to meet and confer with those of other States upon the condition of affairs, and strive for some solution of the dilemma in which we find ourselves placed. If by this, aught of good will be accomplished, is in doubt. But, having done thus muchhaving, as we believe, placed ourselves in the right-let us turn our attention to our appropriate business, the interests of our own people, of our own State, and leave consequences to take care of themselves. It does appear to me that there is no good reason for the passage of measures like that before us, or any of the many propositions of like nature, and for the same purpose, pending in the House. No good can come of them: they will only tend to degrade us, lessen our self-respect, and lower us in the estimation of those whose favor we may attempt to court.

Having said thus much, I perhaps ought no longer to occupy the attention of the House; but having, since the opening of the session, been so often referred to, together with other members from the section of the State which, in part, I represent, as radical, and as among those who are not willing to give up party for the sake of the country, I hope to be excused in a few general remarks upon the condition of that country, and the duty of true patriots in the present crisis. Republican as I am, and radical as are my principles, it is only that in the prevalence and purpetuity of those principles that, to me, dawns hope for the best interests of our country. In the first organization of our government antagonistic principles were brought together, and, by compromise, united. One of these principles, full of life, of vigor, with the elements of expansion and success; the other, with the seeds of corruption and decay in its very nature, yet controlled with that strong bond of selfishness which ever holds its advocates fixed and united in purpose, for the accomplishment of any of its ends. Thus, by the love of power, have parties been led to employ the united advocates of this principle for their success, and through this influence, thus exerted, has slavery had control of this government almost from the very day that the system became profitable. Thus, from

force of circumstances, have the advocates of this system been urged on to renewed and constant efforts for its perpetuation and extension. But freedom, light as air, spreads on the wings of the wind, while slavery, heavily loaded with chains, drags herself slowly along, and comes last to the goal; so that, notwithstanding advantages granted to the slave power in the first formation of the confederacy, and the frequent additions to her prospects for advancement, through repeated accessions of territory, sought and obtained for its especial accommodation, the expansive and progressive force of free institutions is such as to bring them constantly in the ascendency. To prevent this result, this slave interest, through the majority it secures by throwing its united vote for those men and that party who consent to lend themselves to its purposes, that thereby place and power may be secured, removes landmarks long established in the country, and awakens a new and unheard-of excitement. Consequent upon this act creating this excitement, a new party springs into being. That party, with no farther extension of slavery and free homes for free men upon its banners, achieves the victory, and Abraham Lincoln is elected President. Here, and from this, call it pretext or occasion, or what you will, is where the present difficulties arise, or perhaps more properly where they gain their power to disturb the country. different result in the election of 1860, no one supposes that recent events, which have so tended to excite and distract the country, would have occurred. No doubt many men prominent among the leaders in this disunion movement at the South, rejoice at this result.

Having so long, in their mind's eye, followed the "ignis fatuus" which has been leading them on-the dazzling prospect of a brilliant Southern Confederacy—in which slavery should be extended and perpetuated, and the cotton and sugar trade of the world monopolized—the leaders rejoice at this opportunity to take advantage of the prejudices of the masses, which had been excited by misrepresentations of the true sentiment of the North, as exemplified and attempted to be carried out by the Republican party, to accomplish their long concealed purposes of secession and dissolution. fidelity to constitutional obligations, passage of personal liberty laws, disinclination to enforce laws for the return of fugitives. are only pretexts used to inflame the minds of individuals and of States whose support they wish, while at heart rejoicing at Those leaders are now in open rebellion against the laws and government of the United States, and yet measure after measure like that now before us is urged upon us and we are told to pass them that they may be appeared. Forcibly having possessed themselves of forts and arsenals, dockyards, mints, and other property of the United States Government, they now call upon that government to treat with them for the surrender of other such property within their limits; threatening by force to take possession of the Capital of the nation, built by the common resources of that nation, at an expense of \$150,000,000, and to prevent the inauguration of a President constitutionally elected; and yet we are called upon to sit silently by, not to whisper a word or lisp a protest, else some one may be offended. For months, and even years, has this feeling been gaining ground, and preparations have been carried forward for this dissolution movement. A military spirit has been cultivated—arms have been secured—organizations, secret and open, entered into, to train and discipline forces for the coming contest, and yet if one now suggest the idea or propriety of making some little preparation for contingencies which may arise, we are told "Hands off! take care! you will needlessly excite the sensitiveness of our southern brethern;" and immediately, with horror expressed in every tone, the cry of "Coercion!" is rung in our ears. You have no right to coerce a State. But then has a State the right to coerce the General Government? What less? What different are, and have been, States attempting? With force of arms surrounding and seizng upon forts and arsenals within their limits, and with greater force and more extensive preparation investing other positions not yet reduced, they demand their unconditional surrender. War is, and has been for weeks, actually begun upon the part of these States, although prosecuted thus far without bloodshed; they, by force of numbers, overcoming and carrying one position after another, and yet we are called upon to legislate carefully not to disturb their equanimity.

South Carolina, Georgia, Alabama, Mississippi, withdraw from the Union, siezing upon, and taking with them, whatever of public property they can secure. Florida, purchased with the money of the whole country, hesitates not to follow in their wake, appropriating herself to herself, and to a Southern Confederacy; Louisiana, in like manner, obtained with millions of money, that thereby the mouths of the Mississippi might be secured to the country free and untrammeled, coolly takes herself away; and now Texas, having thrown upon the country the burden of her debts and of an expensive war, follows in their train. Each State, as she goes, appropriating to herself hundreds of thousands, yea, millions of the property of the General Government; and yet we are told that government cannot coerce—has no right to make war upon a State.

True; it may be so. Who disputes the want of power to make war upon a State? And yet who can dispute the right of Government to defend itself and protect its property? This only should it do. This only need it do. If in defense of its rights, of its property, collission ensues, who is responsible for that collission but the party making the attack?

The following "Tennessee View of Coercion," clipped from

the "Nashville Banner," enforces this view:

"Citizens of seceding States seize and hold the arsenals and forts of the United States by armed force. They drive out all United States officers found therein. Is that coercion or not? And is it the duty of the United States Government to submit to coercion? Citizens of the seceding States seize the mints and treasures of the United States, and rifle the mails at pleasure, and threaten with death any United States officer that opposes. Is that coercion or not? If so, is it the duty of the United States to submit to it?

"So far all the coercion, all the resort to force, to military force to violate rights, laws and property, has been on the part of seceding States. And yet all the howl that has filled the nation against coercion, has been poured forth by those daily resorting to it! It is right enough for any mob to seize the property and trample on the flag of the Union, but damnable coercion if the Union refuses to submit to be robbed

and insulted by such hands."

Want of decision, of firmness, has brought our country into her present unhappy condition. We have just passed through a Presidential election. The various parties selected their candidates, laid down their platform of principles, and entered into the contest. By necessity one of those parties is victorious; another, which has been so long in the ascendency and has controlled the policy of this government much of the time from its formation, is defeated. Immediately, when in the minority, it finds itself terribly oppressed by that government administered by itself. It must be this, or there is no cause of complaint—for that party succeeding in the election never was in power, and there are no administrative acts of it of which there can be complaint. Now what does this party propose to do? Simply to restore the administration of the government to original principles. When and where this may affect the question of slavery, to treat it as our fathers treated it, as a local institution, governed by local laws, not to interfere with it in States where established by such laws, to perform all the duties devolved upon us by the constitution in relation to this subject, however repugnant those duties may be to our views and feelings-because it is in the bond to perform

and fulfill all the obligations of that bond. It is a system to us loathsome in the last degree, and we can but feel that the panting fugitive who seeks escape from its galling chains is entitled to our sympathy. Yet we will interpose no obstacle to him who seeks, in a legal manner, to sustain his claim to that fugitive. At the same time, we unhesitatingly demand a like security for any citizen of this State to pursue his business or pleasure in any other State, giving him that protection guaranteed by that provision of the constitution which "gives to the citizen of each State the privileges and immunities of the citizens of all the States."

Having taken the position we have done, we are told that we must compromise; that having gained a victory, we must yield the fruits of that victory. Instantly the vanquished, instead of gracefully yielding and submitting to the regularly determined majority, demand the surrender of all claimed by the victor—the vanquished dictating terms to the victor. Yea, more, traitors dictating terms to that government against which they are plotting and acting treason. Shall we, frightened by the noise and confusion, turn, and swallowing our words, give the lie to all our previous professions? Is the position we have taken right? the principle we have advocated just? Or have we no confidence in its truth, its justice, its importance? We are told that we must compromise, that we must yield up something, or our Southern brethren will continue going away as they have been going, until the Union is broken, our Constitution overthrown and government destroyed. If it must be so, then let it come, and let the responsibility rest upon those so madly bent on pulling down this proud fabric built by our fathers at such a cost of blood and of toil. can stand it, so can we. That the Union is more important to us than to them cannot be. Not that we would undervalue the Union and its advantages; by no means. Rather let it be perpetuated; let it continue and be strengthened, going on to accomplish all its high destiny. Let its proud flag, under which has been achieved so much of honor and of good, never trail in the dust, but still spread to the breeze, without one star stricken from its ample folds, there continue to float, our own pride and a beacon of hope to the oppressed of every na-But rather let every one of those stars go out and fade away in eternal night, than that it shall continue to float only as a symbol of union, for the support of a system of oppression and wrong.

To sustain this Union, we must concede and compromise, and surrender, and yield up what? Our manhood We must abandon long cherished, and what we believe

to be correct principles—we must consent to constitutional changes—must give guarantees—must get down and humbly ask our Southern bretheren what legislation will suit them, then must haste to grant it. Can we do all this? more is de-Not only must we do this, but we must refrain from saving aught against the system of slavery; we must cherish it, must look upon it as a beneficent, a christian, a divine institution; must say to it not only use what you have, but spread and occupy to your fill. Wherever the flag of our country floats, there shall go slavery, there to be encouraged, fostered and protected. We beg to demur. To us the Constitution is good enough—that constitution, as made and administered by its authors. We will abide by it. It requires of us duties repugnant to our sense of right, of humanity, yet those duties shall be discharged. But we say plainly, unequivocally, that we do not, can not, will not admire the institution; can not love it, will not cling to it, and shout around it in our self-abandonment, as a system containing the ne plus ultra of all that is right, lovely, and of good report. Neither can we consent to its extension. In the States where it now exists, keep it as you desire, make the most of it. We have no power, neither have we the inclination to interfere with it, but no farther ex-Thus far has it come, and no further shall it go. What is the object of constitutional change. The recognition of the right of property in man, and this in some form to be recognized I understand to be the real object of such change. The constitution row recognizes slavery as a local institution, the subject of local law. The change is desired that it may be nationalized. Can this be done? Will the people of the North sustain such a change? Never.

For one, I should be very much pleased at an amicable adjustment of questions which now agitate the country, but it must be confessed the prospect is dark; clouds lower around our political horizon, and it seems very doubtful if any power shall be able to drive them away, and restore us to a condition of peace and quietness, prosperity and happiness. It has seemed to me, it yet seems, that firmness and decision, calm and resolute determination, with fixedness of purpose to do and yield what was right to all sections and all parties, both by government and people, was that which was most needed, for the purpose of finally extricating the country from difficulties which now surround it. That there is much acrimony and bitterness of feeling between the different sections of the country, there is no use to deny. That this has been much increased by intemperate denunciation from both sides, there is no doubt. Of its still greater increase by misrepresentation for personal and party ends, I do not hesitate to aver my be.

Still the only important fact at this time is, that it is so. For the allaying of this feeling and the showing of a readiness to hear and weigh complaints—the exhibition of a desire to be fully understood—the manifestation of a disposition for conciliatory feeling and action, and the gaining of time in which the sober, second thought of the people should have effect, could I only find reason for the appointment of a commission like that provided for by this General Assembly a few days since. For the accomplishment of any end beyond this I could not hope, or see ground for hope. When we come to talk about compromise, there seems no hope of any good. What have we to concede? And if we make concessions what evidence have we of the probability of their acceptance, and of that acceptance settling the difficulties under which we are laboring? Is it by the adoption of the Crittenden or any other like proposition? Our Southern brethren scorn that, or any thing which does not yield the whole, or main point by them claimed; and if agreed upon, it will never be sanctioned by the people of the North. Any attempted arrangement which should be entered into, which will not be sustained by the people of all sections afterwards, will only complicate, and make more serious our difficulties. One thing, it seems to me, is fully and sufficiently determined upon and indicatedthe people of the North will not consent to the further extension, the nationalization of slavery, and the making the general government responsible for it any where. Then where is our hope? Not in a compromise which shall only open the way for future troubles, for thus has it been in all the history of our country since the adoption of the constitution. concession has been to this slave interest, each addition of territory has been at the instigation of this slave power, out of which addition of territory the questions of difficulty have So now all concessions asked, are by this same inarisen. tersest.

So passing strange is it that this interest which has had possession of the government during almost its entire existence, and has moulded the policy of that government, should under it have been such a sufferer as to require constant concession as relief from onerous burdens placed upon it. And now, at the first prospect of a change in the policy of that government, even partial though it may be, State after State active in this interest withdraws itself from the Union. Talk about the aggressions of the North, there is no force in the assumption. All the foundation for any thing of this kind there can be, rests simply in the fact that the expansive power of free institutions is such that with all the advantages which may be

given slavery in the opening of the race, those institutions outstrip her, and are in the majority. Give to the slave interest an assurance of constant and permanent control of the government of the country, and occupancy of its offices, and you need have no fear of the cry of northern aggression. But if good might be accomplished by compromise, where is the

hope of any such being effected. The reports from the "Peace Congress," so called, to which so many have looked for some satisfactory result, only indicate the passage of any measure which may be agreed upon by a bare majority. Can any gentleman suppose that a plan of adjustment, endorsed and presented in this way, is to be regarded and sustained so as to dispose of existing difficulties? No, very little hope can be in compromise. Then where is it? Certainly there is none in the passage of bills like those before us. Not at all. Then where is it? It must be confessed there seems little hope any where. Only can it be found in standing by, striving for, and sustaining the Union under the Constitution as it is: maintaining and enforcing the laws in all sections and upon all parties. It is no time to change. If we cannot live under the Constitution as it is, if alienation of feeling, of interest, of purpose, is such as to prevent it certainly in this time of excitement, we cannot change that instrument with any safety. No; let us rally around it, with it determine to stand or fall, under its ruins, if it must crumble, let us be buried; let its flag be our winding sheet, and its last expiring groan the requiem sung at our burial.

Taking this position, and resolute in purpose, firmly maintaining it, let us trust in God, and in a returning sense of right, of justice and of interest for a solution of all our difficulties.